

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN WAYS JR., *et al.*,

Defendants.

8:12CR391

FINAL ORDER OF FORFEITURE

This matter comes on before the Court following adjudication of an ancillary hearing held February 22, 2016, and March 10, 2016. The Court, being duly advised in the premises, finds as follows:

1. On December 31, 2014, the Court entered a Preliminary Order of Forfeiture (Filing No. 587) forfeiting to the United States John Ways, Jr.'s interest in the following-described properties:

\$185,683.15 seized on September 13, 2012, from SAC Federal Credit Union Prime Share Account No.285398-0, in the name of NKOSI, Inc.;

\$93,103.82 seized on September 13, 2012, from SAC Federal Credit Union Prime Share Account No. 285401-0, in the name of NKOSI, Inc.;

\$76,785.18 seized on September 13, 2012, from SAC Federal Credit Union Prime Share Account No. 285404-0, in the name of NKOSI, Inc.;

\$306,536.70 seized on September 13, 2012, from SAC Federal Credit Union Prime Share Account No. 285407-0, in the name of NKOSI, Inc.;

\$127,576.49 seized on September 13, 2012, from SAC Federal Credit Union Prime Share Account No. 285409-0, in the name of NKOSI, Inc.;

\$13,711.95 seized on September 13, 2012, from Centris Federal Credit Union Classic Checking Account No. 1229495, in the name of John Ways, Jr.;

\$57,036.17 seized from 2005 Ford F-150 pickup, VIN 1FTPW14585FA91869, on

September 13, 2012, at Exotica store, 157 N. 72nd Street, Omaha, Nebraska;

\$9,917.90 combined total seized from Exotica store, 157 N. 72nd Street, Omaha, Nebraska, and John Ways, Jr.s' person on September 13, 2012;

\$4,362.98 seized from Exotica store, 108 E. 23rd Street, South Sioux City, Nebraska, on September 13, 2012;

\$702.00 seized from Exotica store, 2441 N. 48th Street, Lincoln, Nebraska, on September 13, 2012;

\$2,365.00 seized from Frank Firoz's residence in South Sioux City, Nebraska, on September 13, 2012;

\$538.24 seized from Exotica store, 5063 S. 108th Street, Omaha, Nebraska, on September 13, 2012;

\$326.89 seized from Exotica store, 1409 W. Broadway Street, Council Bluffs, Iowa, on September 13, 2012;

\$8,499.34 seized from John Ways, Jr. on May 9, 2012;

\$43,117.82 seized on December 21, 2012, from First National Bank account No. 110349088 in the name of NKOSI, Inc.;

\$23,526.69 seized on December 21, 2012, from First National Bank account No. 110349062 in the name of NKOSI, Inc.;

\$19,355.16 seized on December 21, 2012, from First National Bank account No. 110349075 in the name of NKOSI, Inc.;

\$18,501.27 seized on December 21, 2012, from First National Bank account No. 110349059 in the name of NKOSI, Inc.;

\$10,093.05 seized on December 21, 2012, from First National Bank account No. 110349033 in the name of NKOSI, Inc.;

\$23,866.78 seized on December 21, 2012, from Wells Fargo Bank account No. 2554646014 in the name of NKOSI, Inc.;

\$18,962.52 seized on December 21, 2012, from Wells Fargo Bank account No. 2554646006 in the name of NKOSI, Inc.;

\$18,466.41 seized on December 21, 2012, from Wells Fargo Bank account No. 2554646022 in the name of NKOSI, Inc.;

\$48,076.40 seized on December 21, 2012, from Exotica store, 108 E. 23rd St., South

Sioux City, Nebraska;

\$10,684.65 seized on December 21, 2012, from Exotica store, 157 N. 72nd St., Omaha, Nebraska, and the person of John Ways, Jr.;

\$2,510.59 seized on December 21, 2012, from 2005 Dodge Ram truck located at 157 N. 72nd St. store, Omaha Nebraska.;

\$714.52 seized on December 21, 2012, from Exotica store, 1409 W. Broadway, Council Bluffs Iowa;

\$166.00 seized on December 21, 2012, from Exotica store, 5065 S. 108th St., Omaha Nebraska;

28,637 pipes, bongs, hookahs;

2,026 grinders;

963 scales;

186 stash concealment containers;

Twenty-seven vaporizers;

Thirty-two units of synthetic urine;

Sixty-five bags of Ziploc baggies;

Miscellaneous drug paraphernalia to include whip its, whip cream chargers, rolling papers and blunts, cream whips, cigarettes rollers, dugouts, nitro canisters and packing materials;

800 rounds of 5.56mm ammunition;

Four gun safes;

ASUS laptop SN B6N0AS553415267

ASUS laptop SN B6N0AS05948022C

Apple MacBook laptop SN CO2HF2D0DJWY

Compaq laptop SN 4CZ11513RG;

E Machines laptop SN LXN54020179524096F1601;

Hewlett Packard G-72 laptop SN 4CZ03500BY;

Hewlett Packard Presario laptop SN4CZ12214HD;
Gateway computer tower SN PTGCFP20016F19600;
HPIQ500 desktop computer SN 3CR9080L88;
Compaq laptop SN CNF0223BPV;
HP laptop SN CNF1131WW1;
Compac Presario CQ57 laptop computer SN5CB2202J19;
Cannon Camera SN 0770403207;
JVC video camera GZ-HM30BU;
Samsung DVR SN Y4LI3VWS100161P;
Nightowl DVR SN 000048361010;
Samsung DVR SN C7U76V2C301672L;
Bunker Hill DVR SN 369471134;
Zmodo DVR SN D9108BH;
Nightowl DVR SN 000602720717;
Revo DVR SN 12110412030461;
Dish Network DVR, no serial number;
Swann DVR SN 232391109340;
Revo DVR SN 1166941101563;
DVR of unknown make and without a serial number;
PS3 Player SN CG179847994;
Two DVRs, Bunker Hill brand, no serial numbers;
2005 Ford F-150, VIN 1FTPW14585FA91869; and
2005 Dodge Ram, VIN 1D7HU18D05S307965.

2. Notice of Criminal Forfeiture was posted on an official internet government forfeiture site, www.forfeiture.gov, for at least thirty consecutive days, beginning on February 12, 2015, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. A Declaration of Publication was filed herein on March 19, 2015 (Filing No. 610).

3. Mataya Logan and Nicole O'Neill filed a verified claim/Petition (Filing No. 638) on May 1, 2015. Pursuant to Fed.R.Crim.P. 32.2, on February 22, 2016, and on March 10, 2016, the Court held a hearing and received evidence on said Petition. By Memorandum and Order dated August 4, 2016 (Filing No. 706), the Court held the Petition is granted with respect to an ASUS laptop, an Apple MacBook laptop and a gaming computer and is dismissed in all other respects.

4. No other Petitions were, other than those of Mataya Logan and Nicole O'Neill, within the time allowed by law.

5. The United States has represented to the Court it is no longer pursuing the criminal forfeiture of the 800 rounds of 5.56mm ammunition referenced in the Superseding Indictment (Filing No. 155) and in the Preliminary Order of Forfeiture (Filing No. 587).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States shall return an ASUS laptop, an Apple MacBook laptop and a gaming computer to Mataya Logan and Nicole O'Neill.

B. All right, title and interest in the following-described property held by any person or entity are hereby forever barred and foreclosed:

\$185,683.15 seized on September 13, 2012, from SAC Federal Credit Union Prime Share Account No.285398-0, in the name of NKOSI, Inc.;

\$93,103.82 seized on September 13, 2012, from SAC Federal Credit Union Prime Share Account No. 285401-0, in the name of NKOSI, Inc.;

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Share Account No. 285404-0, in the name of NKOSI, Inc.;

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\$19,355.16 seized on December 21, 2012, from First National Bank account No. 110349075 in the name of NKOSI, Inc.;

\$18,501.27 seized on December 21, 2012, from First National Bank account No. 110349059 in the name of NKOSI, Inc.;

\$10,093.05 seized on December 21, 2012, from First National Bank account No.

110349033 in the name of NKOSI, Inc.;

\$23,866.78 seized on December 21, 2012, from Wells Fargo Bank account No. 2554646014 in the name of NKOSI, Inc.;

\$18,962.52 seized on December 21, 2012, from Wells Fargo Bank account No. 2554646006 in the name of NKOSI, Inc.;

\$18,466.41 seized on December 21, 2012, from Wells Fargo Bank account No. 2554646022 in the name of NKOSI, Inc.;

\$48,076.40 seized on December 21, 2012, from Exotica store, 108 E. 23rd St., South Sioux City, Nebraska;

\$10,684.65 seized on December 21, 2012, from Exotica store, 157 N. 72nd St., Omaha, Nebraska, and the person of John Ways, Jr.;

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963 scales;

186 stash concealment containers;

Twenty-seven vaporizers;

Thirty-two units of synthetic urine;

Sixty-five bags of Ziploc baggies;

Miscellaneous drug paraphernalia to include whip its, whip cream chargers, rolling papers and blunts, cream whips, cigarettes rollers, dugouts, nitro canisters and packing materials;

Four gun safes;

Compaq laptop SN 4CZ11513RG;

E Machines laptop SN LXN54020179524096F1601;
Hewlett Packard G-72 laptop SN 4CZ03500BY;
Hewlett Packard Presario laptop SN4CZ12214HD;
Gateway computer tower SN PTGCFP20016F19600;
HPIQ500 desktop computer SN 3CR9080L88;
Compaq laptop SN CNF0223BPV;
HP laptop SN CNF1131WW1;
Compac Presario CQ57 laptop computer SN5CB2202J19;
Cannon Camera SN 0770403207;
JVC video camera GZ-HM30BU;
Samsung DVR SN Y4LI3VWS100161P;
Nightowl DVR SN 000048361010;
Samsung DVR SN C7U76V2C301672L;
Bunker Hill DVR SN 369471134;
Zmodo DVR SN D9108BH;
Nightowl DVR SN 000602720717;
Revo DVR SN 12110412030461;
Dish Network DVR, no serial number;
Swann DVR SN 232391109340;
Revo DVR SN 1166941101563;
DVR of unknown make and without a serial number;
PS3 Player SN CG179847994;
Two DVRs, Bunker Hill brand, no serial numbers;

2005 Ford F-150, VIN 1FTPW14585FA91869; and

2005 Dodge Ram, VIN 1D7HU18D05S307965.

C. All the property set forth immediately above is hereby forfeited to the United States of America.

D. The United States of America is directed to dispose of said property in accordance with law.

DATED this 15th day of August, 2016.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge